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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WHANGI MICHELLE BERRIAN,

Plaintiff,

v.

C. R. BARD, INC. and BARD PERIPHERAL  
VASCULAR INC.,

Defendants.

Case No. 2:23-cv-01491-JCM-EJY

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

Defendants C. R. Bard, Inc. and Bard Peripheral Vascular Inc. (collectively, “Defendants”) and Plaintiff Whangi Michelle Berrian (“Plaintiff”) stipulate to extend the remaining discovery deadlines by 60 days pursuant to LR IA 6-1 and LR 26-3. This is the parties’ fifth stipulation for extension of time to take discovery.

**I. Discovery completed to date.**

**A. Initial disclosures**

The parties exchanged their initial disclosures on February 1, 2024.

**B. Fact Sheets**

The parties produced discovery responses in the form of the agreed upon fact sheets on March 7, 2024 (Plaintiff Fact Sheet) and April 8, 2024 (Defendant Fact Sheet). (*See* Doc. 23 at 3.)

**C. Depositions**

Defendants deposed the plaintiff on July 16, 2024, but reserved the right to reconvene plaintiff's deposition following her testimony disclosing that she filed a disability claim in relation to the subject device and had an upcoming doctor's appointment to evaluate the retained fractured struts from the subject device. Defendants deposed the implanting physician on September 24, 2024.

**II. Remaining discovery.**

Defendants' expert disclosures and the depositions of Plaintiff's experts and Defendants' experts need to be completed. Additionally, the updated deposition of Plaintiff needs to be taken, as well as her treating cardiologist.

**III. Reasons that the remaining discovery will not be completed within the time limits set by the discovery plan.**

The parties participated in a formal mediation conference on March 14, 2025 and have remained in active negotiations since then. The parties are confident that this matter can be resolved and wish to continue negotiating without incurring additional expenses relating to experts, expert depositions and the remaining two fact depositions. The parties have worked very cooperatively with each other to complete the necessary discovery remaining in this matter. In the event the parties are unable to reach a settlement, they are requesting an additional 60 days to complete the remaining discovery.

**IV. Proposed schedule for completing remaining discovery.**

<b>Deadline</b>	<b>Current Date</b>	<b>Proposed New Date</b>
Fact Discovery Cutoff	May 11, 2025	<b>July 10, 2025</b>
Plaintiff's Initial Expert Disclosures	Completed	<b>NA</b>
Defendants' Initial Expert Disclosures	May 29, 2025	<b>July 28, 2025</b>

Case-Specific Experts Deposed on Case-Specific Reports	June 29, 2025	<b>August 28, 2025</b>
Expert Discovery Cutoff	June 29, 2025	<b>August 28, 2025</b>
Dispositive Motions	August 1, 2025	<b>September 30, 2025</b>

**IT IS SO STIPULATED.**

Date: May 21, 2025

Date: May 21, 2025

SNELL &amp; WILMER L.L.P.

WETHERALL GROUP, LTD.

By: /s/ Philip M. BusmanBy: /s/ Thomas W. Arbon

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(signed with permission)

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**ORDER****IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE

DATED: May 21, 2025